IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22141 of 2001

Between:

G.Subba Reddy, S/o Krishan Reddy,
R/o Konijedu Village, Tangutur mandal, Prakasam Dist.

..... PETITIONER

AND

The APSRTC., Rep by its Regional Manager, Prakasam Region, Ongole, Prakasam Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus, or any other appropriate writ or direction declaring the actions of the respondent in not absorbing the petitioner as Conductor into the service of respondent corporation as illegal and arbitrary and consequently direct the respondent to act upon the recommendations made by the Labour Officer, Ongole, vide his letter dt.10-11-94 and absorb the petitioner as Conductor into the services of the respondent corporation.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: MR.A.V.SIVAIAH

The Court made the following :

O R D E R:

The facts of the case in brief are that the petitioner is a displaced employee. Prior to the Nationalisation of the route from Ongole to Gadipathivaripalem, he worked as Supervisor on the displaced vehicle bearing No.AAE.8788 on the said route, which was nationalized in the year 1987. Though the name of the petitioner was sponsored by the owner of the vehicle, he failed to attend the interview. Therefore, he was not selected as Conductor at the time of Nationalisation of the said route. There after, he approached the Labour Officer, Ongole, for absorption as Conductor in the displaced quota. Basing on the documentary evidence produced by the petitioner showing that he worked on the said route from August 1985 to September 1986 and as the route was nationalized, the Labour Officer vide letter No.LR/L.Dis.7282/94, dated 10.11.1994 addressed a letter to the respondent-Corporation stating that the petitioner is a genuine displaced employee and a Certificate was also issued by the owner of the vehicle to that effect. There after, the petitioner made a representation before the respondent herein, but no action has been taken. It is also the case of the petitioner that though the case of the petitioner was not initially considered for absorption as Conductor, the then Regional Manager, Prakasam District, Ongole, placed the matter before the Departmental Selection Committee for review of the matter. The Committee opined that two drivers and four conductors were already absorbed on the vehicle and that the candidates

who were selected are seniors to the petitioner and thereby rejected the claim of the petitioner.

The genuineness of the letter addressed by the Labour Officer, dated 10.11.1994 to the respondent Corporation certifying the genuine claim of the petitioner is not in dispute.

Taking into consideration the facts and circumstances of the case, the petitioner is permitted to produce the copy of the said letter addressed by the Labour Officer, dated 10.11.1994, along with the service certificate issued by the owner of the disputed bus bearing No.AAE.8788 through a representation before the respondent-Regional Manager, Prakasam Region, Ongole, within four weeks and on making of such representation, the respondent is directed to consider the representation of the petitioner and pass appropriate orders within a period of six weeks thereafter.

The writ petition is accordingly disposed of. No costs.

26.10.2004

tjs

ASISTANT REGISTRAR

//True COPY//

SECTION OFFICER

TO:

1. The Regional Manager, A.P.S.R.T.C., Prakasam Region, Ongole, Prakasam District.

2. Two C.Cs to the G.P.for Corporation, High Court of A.P., Hyderabad

(OUT)

3. 2 C.D.copies.